

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

*Plaintiff,*

**NOTICE OF MOTION**

v.

Case No: 20-cr-00195(JLS)

DAVID RUBEL,

*Defendants.*

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S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order adjourning defendant's change of plea proceeding currently scheduled before United States District Judge John L. Sinatra for 45 days from February 22, 2022 for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York  
February 16, 2022

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.  
LIPSITZ GREEN SCIME  
CAMBRIA, LLP  
Counsel for Defendant  
DAVID RUBEL  
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TO: LAURA HIGGINS, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
138 Delaware Ave.  
Buffalo, NY 14202

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

**AFFIDAVIT**  
Case #20-cr-00195(JLS)

DAVID RUBEL  
Defendants.

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STATE OF NEW YORK )  
COUNTY OF ERIE SS:  
CITY OF BUFFALO )

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. Currently, a change of plea proceeding is scheduled to be conducted before United States District Judge John L. Sinatra on February 22, 2022.
3. On behalf of Mr. Rubel we are respectfully requesting postponement of his change of plea date. For numerous reasons, counsel needs additional time to speak with Mr. Rubel relative to the plea disposition. We are respectfully requesting that the change of plea proceeding be rescheduled for approximately 45 days from February 22, 2022.
4. Assistant United States Attorney Laura Higgins advises that she has no objection to this request.

WHEREFORE, your deponent prays that this Court issue an Order accordingly.

DATED: February 16, 2022  
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.  
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Sworn to before me this 16<sup>th</sup> day  
Of February, 2022

/s/Elizabeth M. Jagord-Ward

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Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires October 31, 2022